

November 14, 2016

The Honorable Ed Kinkeade
United States District Court for the Northern District of Texas
1100 Commerce Street, Room 1625
Dallas, Texas 75242

Re: *Exxon Mobil Corporation v. Healey*, Docket No. 4:16-cv-00469-K

Dear Judge Kinkeade:

We respectfully submit this letter to request a status conference in the captioned matter.

On November 10, the Court granted ExxonMobil's motion to amend the Complaint to join New York Attorney General Eric Schneiderman, in his official capacity, as a party and to add two additional claims against both Attorney General Schneiderman and Massachusetts Attorney General Maura Healey. This morning, two business days later, Attorney General Schneiderman filed an order to show cause in New York Supreme Court, which his office characterized as the only "appropriate place" for ExxonMobil to litigate claims related to the constitutionally infirm subpoena that is the predicate for his office's investigation. Explaining the decision to rush into state court on an emergency basis over a year-old subpoena, Attorney General Schneiderman pointed to his concern that this Court might issue a "federal injunction barring New York courts from enforcing [the] subpoena to Exxon."

In addition to today's development, ExxonMobil previously issued discovery requests to Attorneys General Schneiderman and Healey and relevant third parties, pursuant to the Court's Discovery Order of October 13, 2016. Neither Attorney General Schneiderman nor Attorney General Healey has yet to say whether either will comply with those requests or challenge them, but Attorney General Healey has previously written in her briefs that she intends to challenge any efforts to obtain discovery in this action.

We therefore respectfully request that the Court schedule an immediate status conference to address the pending discovery requests and any other matter the Court deems appropriate.

Haynes and Boone, LLP
Attorneys and Counselors
2323 Victory Avenue, Suite 700
Dallas, Texas 75219-7672
Phone: 214.651.5000
Fax: 214.651.5940

Respectfully submitted,

/s/ Nina Cortell

Nina Cortell

Direct Phone Number: (214) 651-5579

Direct Fax Number: (214) 200-0411

Nina.Cortell@haynesboone.com

Counsel for Exxon Mobil Corporation

Cc: (via ECF)
All counsel of record

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of November, 2016, I caused the foregoing correspondence to be served on all parties via the Court's CM/ECF system.

/s/ Nina Cortell

Nina Cortell